IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.7673 of 2008
MANOJ BISHKARMA
Versus
STATE OF BIHAR
---

4. 3.7.2008 Heard.

The petitioner is in custody in a case under Sections 376 and 302 IPC. The petitioner went on the terace of the house of the informant for taking tobacco and slept there on account of the night being hot. At about 11 P.M. the father of the informant came to the roof top and found the deceased Tetari Kumari aged about nine years not there. The petitioner was also not there. A search was made and the case diary reveals that the petitioner was found rushing towards his house whereas the dead body of the victim Tetari Kumari was found at a place where a house was under construction. It was necked and the short of the little girl was lying by its side. This is how the petitioner is in custody.

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The contention is that there being no eye witness nor there being any clinching circumstances, the petitioner deserves bail.

There is nothing in the case diary to indicate that the petitioner often visited the terace of the house and the victim for any

purpose and it was only on that particular night. The petitioner slept for the first time at the terace and when he was found disappeared, the deceased was also not there. The statement of a witness in paragraph 10 indicates that the petitioner was rushing to his house in a condition which could not tell his innocence.

Considering these circumstances, I am not inclined to direct the release of the petitioner on bail. Petition is dismissed.

(Dharnidhar Jha, J.)

B.Kr.

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